

REMARKS

Status of the Application

In the Office Action, claims 26-39 were rejected. In the present amendment, claim 26 has been amended so that claims 26-39 are pending. No new matter has been added.

Claim 26 has been amended to more clearly indicate that the α -olefins are added separately and are not generated in situ via an ethylene oligomerization catalyst. Support for this amendment can be found at page 6, line 30; and page 7, line 12.

No new matter has been added.

Specification

The Examiner has objected to the text of Applicants' claim to priority in the "Cross-Reference to Related Application" section as allegedly not stating "the relationship between the instant application and 09/672,612," and incorrectly identifying "10/359,336 as a divisional application."

Applicants have amended the specification to properly refer to the applications from which Applicants are claiming priority. In addition, Applicants respectfully assert that the Examiner is mistaken in his assertion that Application No. 10/359,336 is not a divisional application, as Applicants filed Application No. 10/359,336 as a divisional of Application No. 09/672,612.

Accordingly, Applicants respectfully request that the Examiner withdraw this rejection.

Rejections Under 35 U.S.C. § 112, second paragraph

Claims 26-39 were rejected under 35 U.S.C. § 112, second paragraph as purportedly "being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention."

Claim 26 (and claims 27-39 as dependent thereon)

The Examiner asserts that the phrase "the α -olefins generated from the active ethylene oligomerization catalyst (underlining added for emphasis)" of claim 26 (and claims 27-39 as dependent thereon) "implies that olefins have been oligomerized in a previous method step which is included in the claim (such as that recited in step (2)

of cancelled claim 1)". The Examiner, however, notes that such a "previous oligomerization step" is in fact not recited in claim 26, "and therefore it cannot be determined whether the method includes an oligomerization step."

The Examiner also indicates that he considered the remarks filed by Applicants on 9/10/2003, but asserts that "contrary to applicants' remarks, the claim states neither that the oligomers are introduced from outside the reactor nor that they are not formed in-situ." The Examiner also asserts that "the remarks do not address the issue of whether or not the claims include an oligomerization step." The Examiner concludes that "the fundamental ambiguity of whether or not the claims are intended to include an oligomerization step precludes a properly focused search and consideration of the prior art at this time, including the references cited on the IDS filed 9/10/2003."

In addition, the Examiner asserts that "Claim 26 (and claims 27-39 as dependent thereon) are indefinite in that it cannot be determined whether 'the α -olefins generated from the active ethylene oligomerization catalyst' of component (7) are the same as or in addition to those set forth in component (6)." The Examiner suggests that "[i]f the same monomers are being specified, it would appear that a more simple and clear phrasing would state in component (7): 'the α -olefins of component (6)'".

In light of the amendments made to claim 26, Applicants respectfully assert that the Examiner's rejections have been rendered moot. Accordingly, Applicants respectfully request that the Examiner withdraw his rejections.

Applicants regret any inconvenience that the as filed claims may have caused the Examiner.

Summary

In view of the foregoing amendments and remarks, Applicants submit that this application is in condition for allowance. In order to expedite disposition of this case, the Examiner is invited to contact Applicants' representative at the telephone number below to resolve any remaining issues. Should there be a fee due which is not

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accounted for, please charge such fee to Deposit Account No. 04-1928 (E.I. du Pont de Nemours and Company).

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'J. Cohen', written over a horizontal line.

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